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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,850	03/12/2004	Seela Raj D. Rajaiah	70040132-1	1751

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EXAMINER

KO, TONY

ART UNIT PAPER NUMBER

2878

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,850

Applicant(s)

RAJAIAH ET AL.

Examiner

Tony Ko

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 4, 5, 7-10, 12-18 rejected under 35 U.S.C. 102(b) as being anticipated by Van Antwerp (U.S. Patent 5,015,836).

3. Regarding claims 4, 5, 7-10, 12-18, Van Antwerp discloses (Figs. 1 and 2) an optical encoder strip comprising: an indexing area (24) which is used to generate an indexing signal; an encoding area (26) which is used to generate an encoding signal; a calibration area (27). The intended use of the calibration area is not given any patentable weight. Van Antwerp also discloses the strip is a rectangular strip (26) and the calibration area is a circular disk. Van Antwerp discloses a photo-emitter (12); a code strip having a calibration area (27) for generating a calibration signal for generating a calibration signal (Col. 2, Lines 5-20); a detector (46) having a calibration photodiode for converting the light from the calibration area into an electrical calibration signal; and a circuit (inherently discloses since the prior art adjusts the light intensity base on the signal received by a detector 18, a circuit has to be in place to do so, see column 1 to column 2) coupled to said detector and said photoemitter, wherein said circuit modulates current to said photo-emitter according to said calibration signal. Van Antwerp also discloses the calibration area is transparent (Col. 2, Lines 5-25). Van

Antwerp also discloses the code strip comprises an encoding area (24 and 26). Van Antwerp also discloses the code strip is arranged such that light from the photo-emitter passes through transparent areas on said code strip. Van Antwerp also discloses the detector has a calibration photodiode arranged to receive light which passes from said photo-emitter through said calibration area of said code strip (Col. 2, Lines 5-25). Van Antwerp also discloses the detector has an encoding photodiode arranged to receive light which passes from said photo-emitter through said encoding area of said code strip (24 and 26). Van Antwerp also discloses the calibration photodiode on said detector converts light which passes from said photo-emitter through said calibration area on said code strip into a calibration signal (col. 2, Lines 5-25). Van Antwerp discloses the circuit modulates current to said photo-emitter in response to said calibration signal originating from said calibration photodiode on said detector.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated Van Antwerp in view of Stridsberg (US005998783A).

6. Regarding claims 1, 3, 6 and 11, Van Antwerp discloses the invention set forth above. Van Antwerp does not disclose an indexing area for generating an indexing

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signal. Stridsberg discloses an indexing area (1003) for generating an indexing signal (Col. 22, Lines 5-26). It would have been obvious to a person of ordinary skill in the art at the time of the invention to place an indexing area for generating an indexing signal to identify the position of the encoder. Also note that the intend of use of a calibration area is not given patentable weight since the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

7. Regarding claim 2, Van Antwerp in view Stridsberg discloses the invention set forth above. Van Antwerp in view Stridsberg does not disclose the strip is a rectangular strip. It would have been an obvious matter of design choice to use a rectangular shape since such modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Ko whose telephone number is 571-272-1926.


The examiner can normally be reached on Monday-Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TKO



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